

ARTICLE 21

COURT ATTENDANCE RECALL/ON-CALL AND AVAILABILITY OF PERSONNEL

PART A. COURT ATTENDANCE-RECALL/ON CALL

Section 1. Court-Time Pay.

It is agreed that overtime shall be paid for the hours spent in court including lunch hour, outside the regular schedule as a result of a subpoena or notice issued pursuant to an employee's official on-duty actions where no fees are to be accepted by the employee. The recall provisions of Section 4 shall apply, if applicable.

Section 2.

Employees of the Department are at times sued and/or subpoenaed into court as witnesses in connection with both criminal and civil matters or summoned for jury duty. In such cases, the employee's duty status, witness fees and defense shall be as follows:

a. Civil Case.

(1) On Duty.

- (a)** If an employee is subpoenaed as a witness in a civil case as the result of something he/she witnessed in connection with his/her departmental work, he/she will be considered as being on duty while appearing as such witness.
- (b)** The Employer will pay the employee's expenses, but the witness fee and travel expense check received are to be turned over to the State in accordance with procedures outlined in the Official Orders.

(2) Not on Duty.

If an employee is subpoenaed as a witness in a civil case as a result of something he/she witnessed other than in connection with his/her departmental work, the employee will not be considered on duty while appearing as such witness. The employee is entitled to retain the witness fee and travel expense check.

b. Criminal Case.

- (1)** If an employee is subpoenaed as a witness in a criminal case that was witnessed while on duty, he/she will be considered on duty. The State will pay his/her expenses and no witness or mileage fees will be accepted.

- (a) The same procedure will apply when an employee is subpoenaed into federal court as a witness in a criminal proceeding except that witness fees should be collected and forwarded to Headquarters through channels in the same manner as fees from subpoenas on civil matters.
- (2) If an employee is subpoenaed as a witness in a criminal case as a result of something he/she witnessed other than in connection with his/her departmental work, the employee will not be considered on duty while appearing as such witness. The employee is entitled to retain the witness fee and travel expense check.

c. **Jury Duty.**

- (1) For any day on which an employee is required to report to court for jury duty, whether or not eventually impaneled on an actual case, the employee shall be entitled to administrative leave (release from a scheduled work shift without loss of straight time pay but without compensation for overtime or shift differential premium). The administrative leave may be taken for the scheduled work shift on which the majority of hours scheduled fall on the same calendar day on which the employee is required to report to court. However, to be eligible for administrative leave, the employee must comply with paragraph 2 below. As an alternative to administrative leave, the employee may elect to retain the jury duty pay and use accumulated annual leave or compensatory time, or upon approval of the supervisor, elect to work the regularly scheduled shift. When practicable, the Employer will attempt to schedule said employee, in accordance with Article 19 of this Agreement, to a day shift during the period of jury service. An employee who is scheduled for a day shift and is released from jury duty by the court shall be expected to notify their supervisor of their availability and shall return to work for the remainder of the scheduled work shift, unless authorized by the supervisor to be absent from the remainder of the work shift.

If an employee is not required to report for court, the employee shall report to the scheduled work shift. However, an employee who is scheduled for a night shift and is required by the court to remain immediately available for jury duty, shall be entitled to administrative leave.

The employee shall not be entitled to administrative leave or compensation by the Employer if the employee is required to report to court for jury duty on a scheduled pass day.

- (2) In order to receive administrative leave for jury duty service, an employee must:
 - (a) Promptly provide a copy of the jury duty summons to the supervisor.
 - (b) Notify the supervisor of the jury duty schedule on a daily basis at least two hours before the start of the employee's work shift.
 - (c) Certify in writing each day actually required by the court to report as a juror for which administrative leave is requested.
 - (d) Submit the jury duty paycheck stub as soon as it is received, together with reimbursement equal to the jury duty pay, to the supervisor.
- (3) Travel allowances paid to the employee by the court may be retained because they are not considered jury duty pay. Employees are not permitted to use a state-owned vehicle for travel connected with jury duty and will not be reimbursed by the Employer for travel expenses.

Section 3. Recall.

a. Employees are entitled to recall pay at the rate of one-and-one-half their hourly straight-time rate if required to report for work after reporting off duty and before reporting for their next scheduled work shift. Employees recalled for court, prosecution conferences, or non-departmental administrative hearings shall be guaranteed a minimum of two hours recall pay. Employees recalled to duty for any other reason shall be guaranteed a minimum of three hours recall pay. If the period of recall exceeds the specified minimum hours, the employee shall be paid recall pay for hours actually worked. An employee who is required to report for work preceding his/her next scheduled work shift shall only receive recall pay for the hours actually worked preceding the scheduled work shift. Employees recalled to duty will perform only those duties which are normally assigned their rank and/or position.

b. If an employee is on a paid absence day and is recalled to work on a holiday as defined in Article 33, Section 1, he/she shall receive a minimum of four hours overtime pay. If the recall time exceeds the four hours, the employee will receive overtime pay for the hours actually worked.

c. Employees who respond to duty-related telephone calls during non-duty hours are paid, at the applicable rate, for actual time, in excess of six (6) minutes, necessary to respond.

Section 4. On-Call.

In order to provide coverage for services during off-duty hours, the Employer may require the assignment and scheduling of employees for on-call duty. The employee shall

be notified of the reason for the on-call status and when the reason for the on-call status terminates, the employee shall be promptly notified. An employee assigned to on-call duty shall be required to remain immediately available through reasonable pre-established methods of communication, to report for work within a reasonable period of time as determined by their supervisor and to perform normally assigned duties.

Employees assigned to on-call duty will be compensated at the rate of one hour of straight-time pay for each five hours of on-call duty, prorated for any portion of five hours.

Employees required to return to work while in scheduled on-call status will receive recall pay in accordance with Section 4, and no on-call compensation will be paid for the five-hour increment in which the recall occurred. Any time an employee is assigned to on-call duty, he/she shall receive a minimum of two hours straight-time pay.

When a member has received a subpoena or other notice of a scheduled hearing, the following procedures shall be adhered to:

- (1) An employee will appear as directed by the notice of hearing unless the employee is placed on call by the notice of hearing or by the direction of the Employer.
- (2) An employee who has been placed on call shall check on the status of the hearing as directed prior to appearing there.
- (3) If an employee is notified by 6:00 p.m. on the day preceding the scheduled hearing date that the hearing has been canceled, the employee shall not be considered to be on call for that hearing.
- (4) If an employee does not receive notice of the cancellation of a hearing by 6:00 p.m. on the day preceding the scheduled hearing date, the employee shall be considered on call. On call time shall commence at 8:00 a.m. on the day of the scheduled hearing, and shall terminate when the employee is recalled for the hearing or notified that the on-call status is terminated.

PART B. AVAILABILITY OF PERSONNEL

An employee who is off duty shall keep the Employer reasonably informed of his/her whereabouts when the employee is away from his/her normal place of residence in order to meet the Department's emergency staffing needs. This provision shall not be used by the Employer to circumvent the on-call compensation provision and is only intended to ensure a means of contacting an off-duty employee within a reasonable period of time.